

REMARKS

The present amendment is to the Office Action mailed in the above-referenced case on July 25, 2001, made final.. Claims 1-17 are herein presented for examination. Claims 1, 3-7, 9-15, and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Guy et al. (US 5,940,479) hereinafter Guy. Claims 2, 8 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guy in view of Andrews et al. (US 5,848,143) hereinafter Andrews.

In response to the Examiner's rejections, objections and statements, applicant herein presents strong arguments to more particularly point out the subject matter regarded as patentable by the applicant, distinguishing unarguably over the references of Guy and Andrews.

The Examiner states that Guy discloses a system and method for transmitting packets across a wide area network (WAN) from a local phone coupled to a computer e.g. PC-Phone, comprising at least two PC phones 103/105 and 143/145 (*Internet capable call appliances*) located in different locations; a first router 114 coupled to the PC phone 103/105; a second router 132 coupled to the PC phone 143/145; and a WAN network for connecting between the two routers. The Examiner continues to state Guy discloses that the calls setup between the call appliance 103/105 and the router 114 (*end node leg*), and the call setup between the router 114 and 132 through the Internet 104 (*intermediate legs*), the call set up between the router 132 and the called appliance 143/145 (*end node leg*) and are separate and distinct.

Applicant respectfully disagrees, and points out to the Examiner, as previously argued, that the call appliances and routers 103/105, and 143/145 of Guy do not communicate with each other. Each of said call appliances in the art of Guy place calls to destination telephones on the PSTN (col. 6, lines 36-37). Applicant's claim 1 specifically recites; "wherein IP calls are managed between one of said call appliances originating IP calls, wherein the IP calls terminate to an end destination of another of said call appliances...". The Examiner responds to applicant's argument by stating that Guy discloses a PC 103 with telephony software for transmitting signal information and aural data across a LAN and/or WAN to a gateway unit (145) of the present invention (see col. 3, lines 35-41; col. 1 line 47 to col. 2 lines 55; Figs. 8A-8B; and claim 1.

Applicant believes that the response to applicant's argument provided by the Examiner is not responsive to the actual argument provided by applicant. Applicant points out to the Examiner that element 145 as shown in Guy's Fig. 1 is not a gateway unit. The gateway units are marked with element numbers 101A and 101B. In Figure 1 of Guy element 145 is a PC phone connected to computer 143.

Applicant respectfully points out to the Examiner that in every embodiment of Guy, calls originating from PC phone 103/105 terminate at PSTN connected telephone 142. Calls are not placed from PC Phone 103/105 to PC Phone 143/145 in the art of Guy. }

Applicant argues that Guy discloses a system and method for enabling aural signals, e.g., voice signals, facsimile (fax) signals, and modem signals, to be generated and transmitted from a telephone, e.g., a PC-phone, to another telephone that is coupled to a PSTN 140, by having a GU 101B coupled to the PSTN 140 where the GU 101B allows communication between a phone 142 connected to a PSTN 140 and another phone or PC-phone connected to LAN 134 or LAN 116 over WAN 104. Applicant argues that the gateway unit 101B is not the end destination at which a call originating from 103/105 terminates. Gateway

101B of Guy translates data packets to analog for phone 142 via the PSTN, or to phone 129 or fax 130 via PBX 128. The Examiner is assuming that because there appears to be a connection in Fig. 1 of Guy between PC phone 103/105 in local configuration 102A to PC phone 145/143 in local configuration 102B that the units are communicating with each other wherein one PC phone is the originator of the call and the other PC phone is the end destination. Applicant argues that the art of Guy does not disclose communication between two IP call appliances as claimed in applicant's invention.

Applicant's background portion describes that in a typical scenario, data-router gateways (nodes) are set-up in an IP network for point-to-point connection between nodes. Nodes local to communications centers are connected to telephony switches (usually a PBX) at respective communication centers. Typically, such IP technology only replaces switch-to-switch telephony trunking in this scenario. Applicant argues that the described prior art in applicant's specification amply, and fully describes the invention of Guy. The art of Guy is the prior art that the invention improves upon.

Applicant argues that in the art of Guy, setup between the originating call appliance and the destination call appliance requires, in each instance of connection, setup from source to final destination each time a connection is needed. Because IP telephony uses shared bandwidth as opposed to having a COST dedicated connection, capacity is wasted with multiple channel establishment, and quality of service (QoS) associated with IP calls over the connection may be degraded if there are many such calls. This is true in a COST integrated IP network, as well as in an IN (true IP).

Applicant's invention as claimed provides manipulation of established call legs in order to provide telephony functions in the IP network. Applicant's invention accomplishes this by providing software setting up and maintaining separate and distinct end node legs between call appliances and routers, and separate and distinct intermediate legs between routers, and then joining and

disjoining the legs to establish voice communication and to provide telephony functions, for example call waiting, between said IP call appliances.

Applicant argues that the art of Guy fails to provide any teaching or suggestion of manipulating established call legs in order to provide telephony functions. Applicant argues that if any one of the connections between calling devices, routers or gateways in the art of Guy are disconnected *the entire connection fails*. There are no established and maintained call legs in the art of Guy, which may be manipulated independent of any other call legs without degrading the entire connection therefore requiring the call setup beginning the origination point of the call. Guy discloses a call setup/tear-down unit **404** performing and controlling the call setup procedure and the call tear-down procedure. Guy has absolutely no teaching wherein the unit **404** establishes and maintains end node legs and intermediate legs, wherein those legs are manipulated, independent of each other, in order to complete connections between two IP enabled call appliances. The Examiner, to make a prima facie rejection, must provide a reference with this teaching, or clearly show in Guy where and how this occurs (which it does not).

Claim 1 is clearly patentable over the art of Guy as argued above. Independent claims 7, 13 and 17 include similar patentable limitations argued on behalf of claim 1 above. Dependent claims 2-6, 8-12, and 14-16 are patentable on their own merits, or at least as depended from a patentable claim.


As all of the claims left standing and as amended are clearly shown to be patentable over the art of Guy, and over Guy in combination with any of the cited art, applicant respectfully requests that the rejections be withdrawn and that the case be passed quickly to issue.

If any fees are due beyond fees paid with this amendment, authorization is made to deduct those fees from deposit account 50-0534. If any time extension is needed beyond any extension requested with this amendment, such extension is hereby requested.

Version With Markings to Show Changes Made

There are no changes made to the claims or the specification in the present amendment.

Respectfully Submitted,
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